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AMENDED IN ASSEMBLY MAY 16, 2012  
AMENDED IN ASSEMBLY APRIL 16, 2012  
AMENDED IN ASSEMBLY MARCH 20, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1668**

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**Introduced by Assembly Member Carter**

February 14, 2012

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An act to amend ~~Section~~ *Sections 52052 and 52052.3* of the Education Code, relating to school accountability.

LEGISLATIVE COUNSEL'S DIGEST

AB 1668, as amended, Carter. School accountability: academic performance: dropout recovery high schools.

Existing law requires the Superintendent of Public Instruction, with approval of the State Board of Education, to develop an Academic Performance Index (API), as part of the Public School Performance Accountability Program, to measure the performance of schools, especially the academic performance of pupils. Existing law requires the Superintendent, with approval of the state board, to develop an alternative accountability system for specified types of schools and allows these schools to receive an API score, but prohibits them from being included in the API rankings of schools. Existing law requires the Superintendent and the state board, as part of the alternative accountability system for schools, or any successor system, to allow no more than 10 dropout recovery high schools to report the results of an individual pupil growth model, as specified, instead of reporting other

indicators, *and requires the Superintendent to review the individual pupil growth model proposed by a dropout recovery high school and certify that model if it meets specified criteria.* Existing law defines a dropout recovery high school as a school offering instruction in any of grades 9 to 12, inclusive, in which 50% or more of its pupils are designated as dropouts, as specified, and the school provides specified instruction.

This bill would change the definition of a dropout recovery high school to mean a school offering instruction in any of grades 9 to 12, inclusive, in which 50% or more of its pupils are either designated as dropouts, as specified, or *left a school and were not otherwise enrolled in a school* for a period of at least 180 days and the school provides specified instruction. *The bill also would require a dropout recovery high school to submit to the Superintendent a certification that the high school meets the definition of a dropout recovery high school, as defined, and provide specified data in support of that designation.*

*Existing law prohibits graduation rates for pupils in dropout recovery high schools, as defined, from being included in the API.*

*This bill would revise the definition of dropout recovery high school for purposes of this provision to also include a high school in which 50% or more of its pupils left a school and were not otherwise enrolled in a school for a period of at least 180 days.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 52052 of the Education Code is amended
- 2     to read:
- 3     52052. (a) (1) The Superintendent, with approval of the state
- 4     board, shall develop an Academic Performance Index (API), to
- 5     measure the performance of schools, especially the academic
- 6     performance of pupils.
- 7     (2) A school shall demonstrate comparable improvement in
- 8     academic achievement as measured by the API by all numerically
- 9     significant pupil subgroups at the school, including:
- 10    (A) Ethnic subgroups.
- 11    (B) Socioeconomically disadvantaged pupils.
- 12    (C) English-language learners.
- 13    (D) Pupils with disabilities.

1 (3) (A) For purposes of this section, a numerically significant  
2 pupil subgroup is one that meets both of the following criteria:

3 (i) The subgroup consists of at least 50 pupils each of whom  
4 has a valid test score.

5 (ii) The subgroup constitutes at least 15 percent of the total  
6 population of pupils at a school who have valid test scores.

7 (B) If a subgroup does not constitute 15 percent of the total  
8 population of pupils at a school who have valid test scores, the  
9 subgroup may constitute a numerically significant pupil subgroup  
10 if it has at least 100 valid test scores.

11 (C) For a school with an API score that is based on no fewer  
12 than 11 and no more than 99 pupils with valid test scores,  
13 numerically significant *pupil* subgroups shall be defined by the  
14 Superintendent, with approval by the state board.

15 (4) The API shall consist of a variety of indicators currently  
16 reported to the department, including, but not limited to, the results  
17 of the achievement test administered pursuant to Section 60640,  
18 attendance rates for pupils in elementary schools, middle schools,  
19 and secondary schools, and the graduation rates for pupils in  
20 secondary schools.

21 (A) Graduation rates for pupils in secondary schools shall be  
22 calculated for the API as follows:

23 (i) Four-year graduation rates shall be calculated by taking the  
24 number of pupils who graduated on time for the current school  
25 year, which is considered to be three school years after the pupils  
26 entered grade 9 for the first time, and dividing that number by the  
27 total calculated in clause (ii).

28 (ii) The number of pupils entering grade 9 for the first time in  
29 the school year three school years ~~prior to~~ *before* the current school  
30 year, plus the number of pupils who transferred into the class  
31 graduating at the end of the current school year between the school  
32 year that was three school years ~~prior to~~ *before* the current school  
33 year and the date of graduation, less the number of pupils who  
34 transferred out of the school between the school year that was three  
35 school years ~~prior to~~ *before* the current school year and the date  
36 of graduation who were members of the class that is graduating at  
37 the end of the current school year.

38 (iii) Five-year graduation rates shall be calculated by taking the  
39 number of pupils who graduated on time for the current school  
40 year, which is considered to be four school years after the pupils

1 entered grade 9 for the first time, and dividing that number by the  
2 total calculated in clause (iv).

3 (iv) The number of pupils entering grade 9 for the first time in  
4 the school year four years ~~prior to~~ *before* the current school year,  
5 plus the number of pupils who transferred into the class graduating  
6 at the end of the current school year between the school year that  
7 was four school years ~~prior to~~ *before* the current school year and  
8 the date of graduation, less the number of pupils who transferred  
9 out of the school between the school year that was four years ~~prior~~  
10 ~~to~~ *before* the current school year and the date of graduation who  
11 were members of the class that is graduating at the end of the  
12 current school year.

13 (v) Six-year graduation rates shall be calculated by taking the  
14 number of pupils who graduated on time for the current school  
15 year, which is considered to be five school years after the pupils  
16 entered grade 9 for the first time, and dividing that number by the  
17 total calculated in clause (vi).

18 (vi) The number of pupils entering grade 9 for the first time in  
19 the school year five years ~~prior to~~ *before* the current school year,  
20 plus the number of pupils who transferred into the class graduating  
21 at the end of the current school year between the school year that  
22 was five school years ~~prior to~~ *before* the current school year and  
23 the date of graduation, less the number of pupils who transferred  
24 out of the school between the school year that was five years ~~prior~~  
25 ~~to~~ *before* the current school year and the date of graduation who  
26 were members of the class that is graduating at the end of the  
27 current school year.

28 (B) The inclusion of five- and six-year graduation rates for  
29 pupils in secondary schools shall meet the following requirements:

30 (i) Schools shall be granted one-half the credit in their API  
31 scores for graduating pupils in five years that they are granted for  
32 graduating pupils in four years.

33 (ii) Schools shall be granted one-quarter the credit in their API  
34 scores for graduating pupils in six years that they are granted for  
35 graduating pupils in four years.

36 (iii) Notwithstanding clauses (i) and (ii), schools shall be granted  
37 full credit in their API scores for graduating in five or six years a  
38 pupil with disabilities who graduates in accordance with his or her  
39 individualized education program (IEP).

(C) The pupil data collected for the API that comes from the achievement test administered pursuant to Section 60640 and the high school exit examination administered pursuant to Section 60851, when fully implemented, shall be disaggregated by special education status, English-language learners, socioeconomic status, gender, and ethnic group. Only the test scores of pupils who were counted as part of the enrollment in the annual data collection of the California Basic Educational Data System for the current fiscal year and who were continuously enrolled during that year may be included in the test result reports in the API score of the school. Results of the achievement test and other tests specified in subdivision (b) shall constitute at least 60 percent of the value of the index.

(D) Before including high school graduation rates and attendance rates in the API, the Superintendent shall determine the extent to which the data currently are reported to the state and the accuracy of the data. Notwithstanding any other provision of law, graduation rates for pupils in dropout recovery high schools shall not be included in the API. For purposes of this subparagraph, “dropout recovery high school” means a high school in which 50 percent or more of its pupils have been designated as dropouts pursuant to the exit/withdrawal codes developed by the department *or left a school and were not otherwise enrolled in a school for a period of at least 180 days.*

(E) The Superintendent shall provide an annual report to the Legislature on the graduation and dropout rates in California and shall make the same report available to the public. The report shall be accompanied by the release of publicly accessible data for each school district and school in a manner that provides for disaggregation based ~~upon~~ *on* socioeconomically disadvantaged pupils and numerically significant *pupil* subgroups scoring below average on statewide standards-aligned assessments. In addition, the data shall be made available in a manner that provides for comparisons of a minimum of three years of data.

(b) Pupil scores from the following tests, when available and when found to be valid and reliable for this purpose, shall be incorporated into the API:

(1) The standards-based achievement tests provided for in Section 60642.5.

(2) The high school exit examination.

1 (c) Based on the API, the Superintendent shall develop, and the  
2 state board shall adopt, expected annual percentage growth targets  
3 for all schools based on their API baseline score from the previous  
4 year. Schools are expected to meet these growth targets through  
5 effective allocation of available resources. For schools below the  
6 statewide API performance target adopted by the state board  
7 pursuant to subdivision (d), the minimum annual percentage growth  
8 target shall be 5 percent of the difference between the actual API  
9 score of a school and the statewide API performance target, or one  
10 API point, whichever is greater. Schools at or above the statewide  
11 API performance target shall have, as their growth target,  
12 maintenance of their API score above the statewide API  
13 performance target. However, the state board may set differential  
14 growth targets based on grade level of instruction and may set  
15 higher growth targets for the lowest performing schools because  
16 they have the greatest room for improvement. To meet its growth  
17 target, a school shall demonstrate that the annual growth in its API  
18 is equal to or more than its schoolwide annual percentage growth  
19 target and that all numerically significant pupil subgroups, as  
20 defined in subdivision (a), are making comparable improvement.

21 (d) Upon adoption of state performance standards by the state  
22 board, the Superintendent shall recommend, and the state board  
23 shall adopt, a statewide API performance target that includes  
24 consideration of performance standards and represents the  
25 proficiency level required to meet the state performance target.  
26 When the API is fully developed, schools, at a minimum, shall  
27 meet their annual API growth targets to be eligible for the  
28 Governor's Performance Award Program as set forth in Section  
29 52057. The state board may establish additional criteria that schools  
30 must meet to be eligible for the Governor's Performance Award  
31 Program.

32 (e) The API shall be used for both of the following:

33 (1) Measuring the progress of schools selected for participation  
34 in the Immediate Intervention/Underperforming Schools Program  
35 pursuant to Section 52053.

36 (2) Ranking all public schools in the state for the purpose of the  
37 High Achieving/Improving Schools Program pursuant to Section  
38 52056.

1 (f) (1) A school with 11 to 99 pupils with valid test scores shall  
2 receive an API score with an asterisk that indicates less statistical  
3 certainty than API scores based on 100 or more test scores.

4 (2) A school annually shall receive an API score, unless the  
5 Superintendent determines that an API score would be an invalid  
6 measure of the performance of the school for one or more of the  
7 following reasons:

8 (A) Irregularities in testing procedures occurred.

9 (B) The data used to calculate the API score of the school are  
10 not representative of the pupil population at the school.

11 (C) Significant demographic changes in the pupil population  
12 render year-to-year comparisons of pupil performance invalid.

13 (D) The department discovers or receives information indicating  
14 that the integrity of the API score has been compromised.

15 (E) Insufficient pupil participation in the assessments included  
16 in the API.

17 (3) If a school has fewer than 100 pupils with valid test scores,  
18 the calculation of the API or adequate yearly progress pursuant to  
19 the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301  
20 et seq.) and federal regulations may be calculated over more than  
21 one annual administration of the tests administered pursuant to  
22 Section 60640 and the high school exit examination administered  
23 pursuant to Section 60851, consistent with regulations adopted by  
24 the state board.

25 (g) Only schools with 100 or more test scores contributing to  
26 the API may be included in the API rankings.

27 (h) The Superintendent, with the approval of the state board,  
28 shall develop an alternative accountability system for schools under  
29 the jurisdiction of a county board of education or a county  
30 superintendent of schools, community day schools, nonpublic,  
31 nonsectarian schools pursuant to Section 56366, and alternative  
32 schools serving high-risk pupils, including continuation high  
33 schools and opportunity schools. Schools in the alternative  
34 accountability system may receive an API score, but shall not be  
35 included in the API rankings.

36 **SECTION 1.**

37 *SEC. 2.* Section 52052.3 of the Education Code is amended to  
38 read:

39 52052.3. (a) As part of the alternative accountability system  
40 for schools developed pursuant to subdivision (h) of Section 52052,

1 or any successor system, the Superintendent and the state board  
2 shall allow no more than 10 dropout recovery high schools, as  
3 defined in subdivision (b), to report, in lieu of other indicators, the  
4 results of an individual pupil growth model that is proposed by  
5 the school and certified by the Superintendent pursuant to  
6 subdivision (c).

7 (b) For purposes of this section, “dropout recovery high school”  
8 means a school offering instruction in any of grades 9 to 12,  
9 inclusive, in which 50 percent or more of its pupils are either  
10 designated as dropouts pursuant to the exit and withdrawal codes  
11 developed by the department or *left a school and* were not  
12 otherwise enrolled *in a school* for a period of at least 180 days and  
13 the school provides instruction in partnership with any of the  
14 following:

15 (1) The federal Workforce Investment Act of 1998 (29 U.S.C.  
16 Sec. 2801 et seq.).

17 (2) Federally affiliated Youthbuild programs (42 U.S.C. Sec.  
18 12899 et seq.).

19 (3) Federal job corps training or instruction provided pursuant  
20 to a memorandum of understanding with the federal provider.

21 (4) The California Conservation Corps or local conservation  
22 corps certified by the California Conservation Corps pursuant to  
23 Section 14406 or 14507.5 of the Public Resources Code.

24 (c) ~~The Superintendent shall review the individual pupil growth~~  
25 ~~model proposed by the dropout recovery high school.~~ *A dropout*  
26 *recovery high school shall submit to the Superintendent a*  
27 *certification that the high school meets the criteria specified in*  
28 *subdivision (b) and provide a summary of data derived from the*  
29 *California Longitudinal Pupil Achievement Data System pursuant*  
30 *to Chapter 10 (commencing with Section 60900) of Part 33 to*  
31 *support that designation. A dropout recovery high school shall*  
32 *also submit a proposed individual pupil growth model, and the*  
33 *Superintendent shall review and certify that model if it meets all*  
34 *of the following criteria:*

35 (1) The model measures learning based on valid and reliable  
36 nationally normed or criterion-referenced reading and mathematics  
37 tests.

38 (2) The model measures skills and knowledge aligned with state  
39 standards.



1     (3) The model measures the extent to which a pupil scored above  
2     an expected amount of growth based on the individual pupil's  
3     initial achievement score.

4     (4) The model demonstrates the extent to which a school is able  
5     to accelerate learning on an annual basis.

6     (d) This section shall remain in effect only until January 1, 2017,  
7     and as of that date is repealed, unless a later enacted statute, that  
8     is enacted before January 1, 2017, deletes or extends that date.

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